



MS ISSUE FEE
PATENT
0445-0271P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: TANAKA, Masahito et al. Conf.: 2395
Appl. No.: 09/147,894 Group: 3761
Filed: March 23, 1999 Examiner: Reichle, Karin
For: ABSORBENT ARTICLE

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

HANDCARRY TO:

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

July 6, 2005

Sir:

The following comments are submitted in response to the Examiner's Reasons For Allowance dated May 3, 2005 in connection with the above-identified application.

Applicants have reviewed the Reasons for Allowance provided by the Examiner, and find the "Reasons" confusing and inconsistent with the prosecution history. For example, the Examiner states at page 3, lines 7-9 of the Notice of Allowability, that:

The invention of the claims is shown in Figures 8, 14 and 15. Additionally see page 2, lines 1-5, page 6, the first full paragraph, page 10, the third full paragraph and page 18, fourth full paragraph.

Applicants respectfully and completely disagree with the Examiner that the claims should be limited based on these sections of the specification.

With respect to Figures 8, 14 and 15, these figures show an absorbent member 81 as being part of the inventive absorbent article. However, the absorbent member 81, which is also referred to as an "absorbent pad" (see page 18, lines 5-6), is not a required feature of the absorbent article of claim 19. This is only an example of a feature in Figures 8, 14 and 15 which is not required by the allowed claims.

With respect to page 2, lines 1-5 of the specification, it is unclear why the Examiner cites this particular disclosure. This portion of the disclosure relates to the present inventors' characterization of the prior art.

With respect to page 6, first full paragraph and page 10, third full paragraph of the specification, it appears that the Examiner cites these passages for guidance on the thickness of the absorbent sheet. However, this thickness feature is only required in independent claim 1 and is not a requirement of independent claims 19 and 20.

With respect to page 18, fourth full paragraph of the specification, it is unclear why the Examiner cites this passage

of the specification. This section is a further description of Figure 8, which as mentioned above, is not a required feature of the allowed claims. For example, this section describes that the projecting portion 80 is "rigid" to prevent twisting. However, none of the allowed claims recite that the projecting portion 80 is rigid.

It is well settled that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See MPEP 2145 (VI). Accordingly, Applicants respectfully submit that the Examiner's interpretation, as described above, is untenable.

Applicants respectfully emphasize that the claims define the patentable subject matter, not the comments of the Examiner.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Garth M. Dahlen, Ph.D., Esq.** (Reg. No. 43,575) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any

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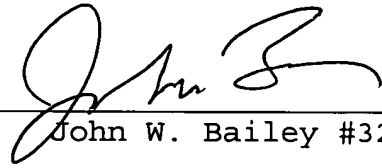
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additional fees required under 37 C.F.R. §§ 1.16 or 1.17;
particularly, extension of time fees.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



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